IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3165 OF 2007

Parasram Bapu Chougule & Ors. ..Petitioners.
Vs.
Surekha Mahadeo Patil & Ors. ..Respondents.

Mr.P.D.Dalvi, adv. for the Petitioners.
Mr.N.J.Patil, adv. for the Respondent Nos.1 and 2.

CORAM : J.H.BHATIA, J.
DATE : JULY 20, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. The petitioner no.1 is a minor son of the deceased Bapu Chougule, petitioner no.2 is his mother and the respondent nos.1 to 5 are the married daughters of deceased Bapu Chougule from his first and lawfully wedded wife. Bapu Chougule died in the year 2004 leaving behind suit property including agricultural land. Respondent No.1, who is original defendant no.5 had filed a suit for partition and separate possession of the property. The petitioner no.1 has also filed Regular Civil Suit No.16 of 2005 seeking perpetual injunction restraining the defendants/respondents from causing any obstruction in his exclusive possession over the suit property. The trial Court granted temporary injunction however, in the appeal preferred

by the respondent no.1, the appellate Court set aside that order holding that the respondents alongwith petitioner no.1 are the co-owners of the property and co-owners can not be excluded from the possession and can not be restrained from joint possession. Against that order, the petitioners have preferred the present writ petition. After going through the record and reasons given by the Appellate Court, while refusing injunction to the petitioners and allowing the appeal preferred by the respondent no.1, I find that there is no substance in the writ petition.

3. Petition stands dismissed summarily.

[J.H.BHATIA, J.]